

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2006-003750

04/13/2009

HONORABLE DEAN M. FINK

CLERK OF THE COURT

D. Ganther

Deputy

IN RE THE MATTER OF
ADAM CHRISTOPHER BLACK

ADAM CHRISTOPHER BLACK
1256 E MARCELLA LANE
GILBERT AZ 85295

AND

GINA MARIE ELIZABETH BENNETT

WILLIAM P SARGEANT III

KATHLEEN MIHOLICH
FAMILY ASSESSMENT
CONSULTANTS
16826 S 34TH ST
PHOENIX AZ 85048

TRIAL SETTING

Courtroom CCB 1202

10:14 a.m. This is the time set for Resolution Management Conference. Petitioner, Adam Christopher Black, is present on his own behalf. Respondent, Gina Marie Elizabeth Bennett, is present with above-named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding the parties' parenting time agreements outlined in the March 5, 2009 Parenting Conference Report.

Adam Christopher Black and Gina Marie Elizabeth Bennett are sworn.

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The agreements are stated and discussed on the record in open court.

Adam Christopher Black, having previously been sworn, states that he understands the agreement stated on the record, that he is entering the agreement without coercion or duress, and that he agrees to be bound by the agreement until further order of the Court.

Gina Marie Elizabeth Bennett, having previously been sworn, states that she understands the agreement stated on the record, that she is entering the agreement with the assistance of her attorney without coercion or duress, and that she agrees to be bound by the agreement until further order of the Court.

Based upon the testimony presented,

THE COURT FINDS that the parties have knowingly, willingly, and intelligently entered into a binding agreement which is not unfair, and is reasonable, and is in the best interests of the parties' minor child which is enforceable by the Court. Therefore,

IT IS ORDERED approving the agreement of the parties as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED adopting the parties' parenting plan outlined in the March 5, 2009 Parenting Conference Report:

WEEKDAY AND WEEKEND SCHEDULE:

The parenting-time schedule will be the 2/2/5 plan:

The children will be in Father's care two days per week: i.e. every Monday and Tuesday the exact days and times to be mutually agreed upon, and every other weekend.

The children will be in Mother's care two days per week: i.e. every Wednesday and Thursday, and every other weekend.

Each parent will be responsible for pickup and delivery during that parent's allotted time.

Parents may change their parenting-time arrangements by mutual agreement and with at least 24 hours notice to the other parent.

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TRAVEL/SUMMER MONTHS/VACATIONS:

This weekday and weekend schedule will apply for all twelve (12) calendar months, with no specific changes during summer months except vacations.

Each parent may schedule a two-week vacation period with the children or more by mutual agreement of the parties. Parents will negotiate details of their vacation time at least 30 days in advance. The parent planning to vacation with the children will provide the other parent with thirty (30) days written notice of vacation plans plus an itinerary of travel dates, destination(s), and places where the children and that parent can be reached during the vacation.

Both parents shall keep the other parent advised of all contact information and the whereabouts of the child. Neither parent shall move from Maricopa County or 25 miles from the other parent without written notice to and the agreement of the other parent.

HOLIDAY SCHEDULE: (Takes priority over the regular parenting-time schedule)

Fall School Break shall be alternated.

New Year's Eve and New Year's Day will be alternated with Father having odd-numbered years and Mother having even-numbered years. The holiday shall begin on New Year's Eve day at 12 noon until 7:30 p.m. New Year's Day.

Spring School Break shall be alternated.

Easter shall be alternated with Mother having odd-numbered years and Father having even-numbered years. The holiday shall begin on the Saturday before Easter at 12 noon until Sunday night at 7:30 p.m.

Mother's Day will be celebrated with Mother every year from the Saturday before at 12 noon until Sunday at 7:30 p.m.

Father's Day will be celebrated with Father every year from the Saturday before at 12 noon until Sunday night at 7:30 p.m.

4th of July shall be alternated with Father in odd-numbered years and with Mother in even-numbered years. This holiday shall be an overnight with the child being returned at 7:30 a.m. on the 5th.

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Halloween shall be alternated with Father having odd-numbered years and Mother having even-numbered years. This holiday will be an overnight visit and shall begin a 12 noon or after school. Halloween day and end at 7:30 a.m. the next day.

Thanksgiving shall be alternated with Mother having odd-numbered years and Father having even-numbered years. The holiday will begin on the Wednesday prior to Thanksgiving from 12 noon or after school until Sunday night at 6:30 p.m.

Christmas Eve shall be alternated with Father having odd-numbered years and Mother having even-numbered years. The holiday will begin at 12 noon on Christmas Eve and end at 9:00 p.m. that evening.

Christmas Day shall be alternated with Mother having odd-numbered years and Father having even-numbered years. The holiday shall begin at 9:00 p.m. Christmas Eve until 6:30 p.m. December 26th.

Winter School Break shall be split equally and the weeks shall be alternated.

Child's Birthday will be alternated with Mother having odd-numbered years and Father having even-numbered years. The holiday will begin on the child's birthday from 12 noon or after school and end at 7:30 p.m.

TELEPHONE ACCESS:

Each parent may have telephone contact with the child during the child's normal waking hours.

IT IS FURTHER ORDERED appointing **Kathleen Miholich** as Parenting Coordinator by separate minute entry.

TRIAL SET

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits **at least 75 days prior to trial.**

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2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed **at least 60 days prior to trial.**

3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

Both parties agree that a trial of one hour is sufficient to resolve all of the remaining issues in this case.

IT IS ORDERED setting Trial to the Court before the Honorable Dean M. Fink on **August 13, 2009 at 3:30 p.m.** (1 hour allowed) in this Division at:

Maricopa County Superior Court
Central Court Building
201 W. Jefferson
Courtroom 1202
Phoenix, AZ 85003

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and

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every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 business days prior to trial.

IT IS FURTHER ORDERED that the Joint Pretrial Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.
6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).
8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and

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every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED the parties shall deliver any exhibits and an exhibit inventory to the clerk of this division, and not place in the division mailbox, for marking **no later than five Court business days prior to Trial**, not including weekends, holidays or the day of the proceeding. All exhibits presented shall have been exchanged between the parties. Duplicate exhibits shall not be presented. **Absent good cause, any exhibits not submitted at least five (5) business days prior to the Trial may not be accepted and/or marked.**

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

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IT IS FURTHER ORDERED signing this Minute Entry as a formal written order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/s/ Dean M. Fink

JUDGE DEAN M. FINK
JUDICIAL OFFICER OF THE SUPERIOR COURT

10:41 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.